

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

---

HELEN ANNETTE RODGERS,

Plaintiff,

v.

COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,

Defendant.

Case No. CIV-18-398-RAW-KEW

**ORDER AFFIRMING DECISION OF THE COMMISSIONER**

On August 17, 2020, the United States Magistrate Judge entered a Report and Recommendation in the above-referenced case, recommending that this Court affirm the Commissioner's decision upholding on appeal the findings of the Administrative Law Judge ("ALJ"), denying benefits to Plaintiff [Docket No. 22]. Plaintiff filed an Objection to the Report and Recommendation to affirm the ALJ's decision on the merits and reargues the issue regarding the Appointment Clause to protect her Appeal rights regarding that issue. [Docket No. 24]. Defendant requests that the ALJ's decision be affirmed [Docket No. 25].

Upon full consideration of the entire record and the issues herein, this court finds that the Magistrate Judge's recommendation to affirm the ALJ is well-supported. The ALJ's decision is supported by substantial evidence, and the correct legal standards were applied. Further, based upon the Tenth Circuit's recent decision in *Carr v. Comm'r, SSA*, 961 F.3d 1267 (10<sup>th</sup> Cir. 2020), *petition for cert. filed*, (July 1, 2020) (No. 19-1442), holding that Social Security disability claimants forfeited their Appointments Clause challenges that they failed to raise in their

administrative proceedings, Plaintiff has failed to exhaust the issue and has therefore waived her Appointments Clause challenge in this matter.

Accordingly, the Report and Recommendation of the United States Magistrate Judge is hereby AFFIRMED and ADOPTED as this court's Findings and Order. The decision of the Commissioner is affirmed.

**IT IS SO ORDERED** this 25th day of November, 2020.



---

THE HONORABLE RONALD A. WHITE  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF OKLAHOMA